

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

LOURDES FLEURIMA,

Plaintiff,

v.

Case No.: 8:19-cv-2835-T-AAS

**ANDREW M. SAUL,
COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,**

Defendant.

_____ /

ORDER

Lourdes Fleurima requests that the court stay these proceedings for sixty days to obtain evidence in a subsequent claims file. (Doc. 20). The Commissioner opposes the motion. (Doc. 21).

After an unfavorable decision on November 9, 2018, Ms. Fleurima applied for social security benefits again. On June 25, 2020, the Administrative Law Judge (ALJ) found Ms. Fleurima disabled as of November 10, 2018, one day after the unfavorable decision. Ms. Fleurima argues there is a reasonable possibility that evidence in the subsequent claims file could be material to the period at issue in this appeal (i.e., between June 2, 2016, and November 9, 2018). Ms. Fleurima wants to obtain this evidence to evaluate whether she should move for remand under sentence six, prior to the court issuing a decision.

In response, citing *Carroll v. Comm’r of Soc. Sec.*, 453 F. App’x 889 (11th Cir.

2011), the Commissioner argues the evidence in the subsequent claims file is immaterial to the period at issue here. However, in *Carroll*, the ALJ's decision denying benefits covered a time period of August 9, 2002 to December 31, 2007. *Id.* at 891. The ALJ's subsequent favorable decision was on January 12, 2010, with a disability onset of June 22, 2009. *Id.* at 892. This action is distinguishable from *Carroll* based on the nearly year-and-a-half period between the eligibility decisions in *Carroll*, as opposed to one day in this case.¹

Accordingly, Ms. Fleurima's Motion to Stay Proceedings (Doc. 20) is **GRANTED**. This action is stayed until **September 18, 2020**. The joint memorandum of law is due by **October 18, 2020**.

ORDERED in Tampa, Florida on July 20, 2020.



AMANDA ARNOLD SANSONE
United States Magistrate Judge

¹ Indeed, the *Carroll* court specifically based its decision in part on the lengthy time between the decisions. *See Carroll v. Comm'r of Soc. Sec.*, 453 F.App'x 889, 892 (11th Cir. 2011)